

November 22, 1999

David A. Van Wie
Director, Bureau of Land and Water Quality
Maine Department of Environmental Protection
#17 State House Station
Augusta, Maine 04333-0017

SUBJECT: Notification of Approval of Salmon Falls River TMDLs.

Dear Mr. Van Wie:

Thank you for your submittal of *A Phased TMDL for the Salmon Falls River Watershed - Use Attainability Analysis for the Lower Salmon Falls River, May 1999*. The report provides the Salmon Falls River Total Maximum Daily Loads (TMDLs) for ammonia, biochemical oxygen demand (BOD), and total phosphorus (TP). The freshwater portion of this waterbody (Salmon Falls River) is included on Maine's 1998 303(d) list as a high priority for TMDL development to address dissolved oxygen, nutrients, toxics, and bacteria water quality standard violations. The marine portion of this waterbody (Piscataqua River Estuary) is also listed as a high priority for TMDL development to address dissolved oxygen. This waterbody, which changes name in the estuary, also forms a portion of the boundary between the States of Maine and New Hampshire.

The U.S. Environmental Protection Agency (EPA) hereby approves Maine's Salmon Falls River TMDLs, received by EPA on May 25, 1999, and further clarified by the attached revised Tables 7, 12, and 13, with a re-submittal memo dated and received on October 13, 1999. EPA has determined that the Salmon Falls River TMDLs meet the requirements of §303(d) of the Clean Water Act (CWA), and of EPA's implementing regulations (40 CFR Part 130).

The TMDLs are based on criteria that apply to the lower Salmon Falls River following its reclassification from Class B. The Use Attainability Analysis (UAA) which Maine DEP submitted in conjunction with the TMDLs adequately supports reclassification of the river. However, EPA is not taking any action on the reclassification of the Salmon Falls River at this time, since the Class C adopted by the Maine Legislature on May 19, 1999, resulted in certain criteria being less stringent than the recommended criteria in the TMDLs and UAA. We suggest you initiate the necessary legislative process now to accomplish the reconciliation of those differences during the next triennial review process.

Salmon Falls TMDLs approval letter

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The submittal includes all the required elements of a TMDL, including:

- loading capacity,
- load allocations
- seasonal variation
- waste load allocations,
- margin of safety
- public participation process.

The submittal also includes other pertinent information necessary for EPA to conduct its review:

- submittal letter
- analytical method used and analysis documentation
- applicable state water quality standards
- future monitoring plans.
- description of pollutant sources

ME DEP issued public notice of the February 10, 1999 hearing via publication in both Maine and New Hampshire newspapers, and in a letter to interested parties (e.g., municipalities, wastewater treatment plant operators, dam operators, state and federal agencies) dated January 12, 1999. Maine DEP sent copies of the draft TMDLs and Use Attainability Analysis document to interested parties with a cover letter dated January 25, 1999. Maine considered public comments in development of the Salmon Falls River TMDLs and UAA, and provided responses to public comment in the May 1999 report.

My staff and I look forward to continued support from Maine and New Hampshire in permit issuance using the recommended wasteload allocations during FY 2000, pursuit of dam operational changes, and initiation of an assessment of appropriate ways to address nonpoint source pollution.

Sincerely,

Linda M. Murphy, Director
Office of Ecosystem Protection

Enclosure: Decision Document with revised tables and summary of applicable water quality standards attached.

cc: Martha Kirkpatrick, ME DEP, letter only
David Courtmanch, ME DEP
Paul Mitnik, ME DEP
Paul Currier, NH DES
Greg Comstock, NH DES

Concurrence Routing of Salmon Falls TMDL approval package:

Jennie Bridge

Denny Dart

Mark Voorhees

Ann Williams, ORC

Steve Silva

Carl DeLoi

Ron Manfredonia

Ann Herrick for final date

Linda Murphy for signature

In-house distribution of signed package:

Jennie Bridge

Stephen Silva

Ann Williams

Mark Voorhees

Bill Beckwith

Carl DeLoi

Denny Dart

Dave Cochrane

John Paul King

Alison Simcox